

Appl. No. 09/686,284
Reply to Office Action of May 30, 2003

REMARKS

This Response to Final Office Action and Request for Reconsideration or Examination of Certain Claims is submitted in response to the Office Action dated May 30, 2003, and pursuant to the telephone interview courteously granted by the Examiner on October 17, 2003. As a preliminary matter and as discussed during the telephone interview, it appears that the Examiner has not fully examined or addressed Claim 38 or the elements of Claim 38. The Examiner recognized this during the interview. The Examiner indicated that Applicant should request Reconsideration or Examination of this claim. Accordingly, Applicants hereby request Reconsideration or Examination of Claim 38 and the claims which depend there from.

Applicants hereby submit a Petition for a Two-Month Extension of Time to respond to the Office Action. Please charge Deposit Account No. 02-1818 for the appropriate fees.

The Office Action rejected Claims 1, 2, 5, 8 to 11, 15, 20, 23, 29, 30, 35 and 38 under 35 U.S.C. § 103(a) as being unpatentable over Thomas et al., U.S. Patent No. 6,322,309 in view of Fier, U.S. Patent No. 6,126,542. The Office Action rejected Claim 3, 4, 12, 13 and 21 under 35 U.S.C. § 103(a) as being unpatentable over Thomas with Fier and in further view Mayeroff, U.S. Patent No. 6,231,442. The Office Action rejected Claims 6, 7, 24 and 25 under 35 U.S.C. § 103(a) as being unpatentable over Thomas with Fier in view of Bennett, U.S. Patent Application Publication 2003-0073481 A1. The Office Action rejected Claims 16 to 19, and 26 under 35 U.S.C. § 103(a) as being unpatentable over Thomas with Fier in view of Holmes, U.S. Patent No. 5,882,259. The Office Action rejected Claims 33 and 34 under 35 U.S.C. § 103(a) as being unpatentable over Thomas with Fier in view of Walker, U.S. Patent No. 6,001,016. The Office Action rejected Claims 22, 27, 29, 32 and 36 to 38 under 35 U.S.C. § 103(a) as being unpatentable over Thomas with Fier in further view of Kamille, U.S. Patent No. 5,092,598. The Office Action rejected Claims 33 and 44 under 35 U.S.C. § 103(a) over Thomas with Fier in view of Walker. The Office Action rejected Claims 39 and 40 under 35 U.S.C. § 103(a) as being unpatentable over Thomas with Fier and Kamille in further view of Walker.

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As discussed during the interview, Fier discloses a game in which an award is provided if all of the designated values are obtained. In other words, if five of five symbols are selected, the player obtains the award. The amended claims provide an award where all but one of a provided number of player picks of selections must result in award symbols to achieve the winning combination. Accordingly, as discussed during the interview, these claims are now patentably distinguished over the combination of Thomas and Fier. Since all of the rejections are based on the combination of Thomas and Fier, it is respectfully submitted that these amendments to the claims overcome the rejection of these claims and the claims are now in condition for allowance.

An earnest endeavor has been made to place this application in condition for formal allowance and in the absence of more pertinent art such action is courteously solicited. If the Examiner has any questions regarding this Response, applicant respectfully requests that the Examiner contact undersigned.

Respectfully submitted,

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BY



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